

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

APOTEX, INC.,

Plaintiff,

v.

CEPHALON, INC., et al.,

Defendants.

CIVIL ACTION

No. 2:06-cv-2768

ORDER

AND NOW, this 9th day of April, 2012, upon consideration of Plaintiff, Apotex, Inc.’s “Motion for Entry of Partial Final Judgment on Counts I, II, III and V of Apotex’s Second Amended Complaint” (Doc. No. 520), and Defendant, Cephalon Inc.’s “Motion to Defer Consideration of Apotex’s Motion for Entry of Partial Final Judgment” (Doc. No. 537), the Court finds as follows:

1. All of Apotex’s pending declaratory judgment claims regarding the validity, enforceability, and infringement of the ‘516 and ‘346 patents have been resolved;
2. Apotex’s pending antitrust claims should not delay Cephalon’s right to appellate review of this Court’s disposition of Apotex’s declaratory judgment claims regarding the validity, enforceability; and
3. The Court finds that there is no other just reason to delay entry of final judgment so that Cephalon may pursue its appellate rights in the United States Court of Appeals for the Federal Circuit.

WHEREFORE, it is hereby **ORDERED** that Apotex, Inc.’s motion is **GRANTED** and Cephalon, Inc.’s motion is **DENIED**, and **JUDGMENT** is entered on behalf of Apotex and against

Cephalon.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.